



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
*Director*

2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
www.co.merced.ca.us

**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF MARCH 23, 2005, 9:00 A.M.  
2222 "M" STREET, BOARD ROOM, THIRD FLOOR,  
MERCED, CALIFORNIA**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL OF COMMISSIONERS**

Jack Mobley; Steve Sloan, Chairman; Lynn Tanner; Gloria Bettencourt; Rudy Buendia

**III. APPROVAL OF MINUTES**

**IV. CITIZEN COMMUNICATIONS**

Public opportunity to address the Planning Commission on items of interest over which the Planning Commission has jurisdiction.

**SPEAKERS**

**If you would like to address the Planning Commission on any item on the agenda, please pick up a 3" x 5" card in the foyer, fill it out with your name, address, and item you wish to speak on, and give it to someone at the staff table (to the left of the podium) prior to speaking.**

**V. PUBLIC HEARING**

**A. CONDITIONAL USE PERMIT APPLICATION No. 05002 - Bill Wright - To allow the expansion of a used car sales lot previously approved as Conditional Use Permit No. 01018 on a 1.18 acre site. The project is to expand the operation onto an adjoining 1.5 acre parcel. The property is located at the intersection of Ashby Road and Trindade Road and is designated General Commercial in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the March 9, 2005 meeting. Project Planner Keith Woodcock****

**B. CONDITIONAL USE PERMIT APPLICATION No. 04008 - Mike Williams - To legalize a land leveling equipment storage yard and business. The property is located on the west side of Johnson Road, 1000 feet north of Capri Avenue in the Los Banos area on land designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson****

- C. **MINOR SUBDIVISION APPLICATION No. 04056 - Balbir Samra and Rajvinder Khakh** - To divide a 40 acre parcel into two parcels; Parcel No. 1 = 20 acres and Parcel No. 2 = 20 acres. The property is located on the north side of Bradbury Road and 665 feet east of Sycamore Street in the Delhi area on land designated Agricultural Land use in the General Plan and is zoned A-1 (General Agriculture). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**
- D. **MINOR SUBDIVISION APPLICATION No. 05009 – Michael Coelho** - To divide 80.66 acres into four parcels resulting in three 20 acre parcels and one 20.66 acre parcel. The project is located on the east side of Van Clief Road, ½ mile south of Westside Boulevard in the Stevinson area. The project site is designated as Agricultural in the General Plan and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**
- E. **MAJOR SUBDIVISION APPLICATION No. 97006 – Fox Hills Management Group, LLC** – To review the Development Agreement produced by Fox Hills Management Group that will implement the conditions of approval and mitigation measures required for Fox Hills through the Specific Plan, Environmental Impact Report and Major Subdivision review and approval processes. **TO RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION, DISAPPROVAL OR MODIFICATION OF THE DEVELOPMENT AGREEMENT. Project Planner James Holland**

VI. **CORRESPONDENCE**

VI. **GENERAL BUSINESS**

VII. **DIRECTOR'S REPORT**

VIII. **ADJOURNMENT**

**APPEALS**

Any person may appeal any action of the Planning Director or Planning Commission within five (5) calendar days after the day the action is made. [Within ten (10) calendar days of action on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Planning Director's actions may be filed with the Planning Department and appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted with the written appeal.

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF MARCH 23, 2005**

---

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of March 23, 2005, are available in the Merced County Planning and Community Development Department, 2222 "M" Street, Second Floor, Merced, California.

**I. CALL MEETING TO ORDER**

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:07 a.m., on March 23, 2005, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:

Commissioner Steve Sloan-Chairman  
Commissioner Lynn Tanner  
Commissioner Gloria Bettencourt  
Commissioner Rudy Buendia

Staff Present:

William Nicholson, Planning and Community Development  
Director  
Keith Woodcock, Assistant Director  
Kim Lewallen, Recording Secretary  
Jeff Wilson, Planner I  
Dave Gilbert, Planner III  
James Holland, Planner III

Legal Staff:

Ruben Castillo, County Counsel

Commissioners Absent:

Commissioner Jack Mobley, excused absence

**III. APPROVAL OF MINUTES**

**M/S BUENIA – TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MARCH 9, 2005 WITH ONE CORRECTION BEING MADE TO LEGAL COUNSEL FERNANDA SAUDE'S TITLE.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

- A. CONDITIONAL USE PERMIT APPLICATION No. 05002 - Bill Wright - To allow the expansion of a used car sales lot previously approved as Conditional Use Permit No. 01018 on a 1.18 acre site. The project is to expand the operation onto an adjoining 1.5 acre parcel. The property is located at the intersection of Ashby Road and Trindade Road and is designated General Commercial in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the March 9, 2005 meeting. Project Planner Keith Woodcock****

Planner Keith Woodcock presented the Staff Report and Recommendation dated March 23, 2005.

The public hearing opened at 9:16 a.m.

No one spoke in favor or against this application.

The public hearing closed at 9:16 a.m.

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 05002, FROM CEQA.**

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 23, 2005, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 05002 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit Application No. 05002 is to allow the expansion of a car sales lot approved by CUP 01018. Conditions of Approval of CUP 01018 remain valid and in force.
2. The applicants shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
3. The applicant shall file a Hazardous Material Business Plan with the Division of Environmental Health, if needed.
4. The parcel shall be maintained in a condition that will not be dangerous or injurious to neighboring property. Weeds, rubbish and other dangerous or injurious materials are a public nuisance and required to be abated under MCC Section 9.25.
5. Approved addressing or numbers shall be placed on premises in such a position as to be plainly visible and legible from the street fronting the property (UFC 901.4.4).
6. All parking and maneuvering areas and driveways shall be paved with an asphaltic or concrete surface, identified as suitable by the Department of Public Works.
7. The applicant shall make all on and off site improvements, as determined to be necessary the Department of Public Works Road Division, to comply with adopted County policies and standards. Drainage shall be managed and disposed of in accordance with County standards.
8. The property owner(s) shall dedicate to the County of Merced an additional 20-foot width of right-of-way along the entire frontage of Ashby Road and the easterly 20 feet of westerly 30-foot portion of Trindade Road. The legal description(s) and exhibit(s) needed for the grant deed easement shall be prepared by a licensed land surveyor or by a civil engineer authorized to

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – March 23, 2005**

**Page 3**

perform land surveying. Approved grant deed with accompanying legal description(s) and exhibit(s) shall be submitted for recordation within two months from the issuance date of this permit.

9. The project shall comply with the standard conditions of approval listed in Planning Commission Resolution No. 97-1
10. A mitigation-monitoring fee of **\$272.00** shall be paid prior to submittal of any building plans. Should additional staff time be required for review of the development plans or condition monitoring, the applicant shall reimburse the County for staff time at the established hourly rate at the time of plan review or inspection.

**B. CONDITIONAL USE PERMIT APPLICATION No. 04008 - Mike Williams - To legalize a land leveling equipment storage yard and business. The property is located on the west side of Johnson Road, 1000 feet north of Capri Avenue in the Los Banos area on land designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

Planner Jeff Wilson presented the Staff Report and Recommendation dated March 23, 2005.

The public hearing opened at 9:25 a.m.

Mike Smith, CCPS, states that he accepts the conditions in the staff report and he asked for approval of this application.

The public hearing closed at 9:26 a.m.

**MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 04008, FROM CEQA.**

**MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 23, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 04008 SUBJECT TO THE 14 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit Application No. 04008 is to legalize an existing land leveling equipment and storage yard and business, known as Williams Land Leveling.
2. The applicant shall comply with all standard conditions of approval listed in the Planning Commission Resolution No. 97-1 (except No. 6, 12, and 13).
3. The applicant shall file a Hazardous Material Business Plan with the Division of Environmental Health.

## MERCED COUNTY PLANNING COMMISSION

Minutes – March 23, 2005

Page 4

4. The applicant shall relocate the fuel tanks to appropriate distances from existing structures (as shown on revised plot plan) and obtain a Building Permit for the fuel tanks.
5. Fire extinguishers with a minimum rating of 20-B: C shall be located in accessible locations as approved by the Fire Department.
6. Access gates, if any, must be provided with a Merced County coded 'Knox' key switch or a 'Knox' padlock, whichever is most appropriate (UFC 902.4).
7. The parcel shall be maintained in a condition that will not be dangerous or injurious to neighboring property. Weeds, rubbish and other dangerous or injurious materials are a public nuisance and required to be abated under MCC Section 9.25.
8. Approved addressing or numbers shall be placed on premises in such a position as to be plainly visible and legible from the street fronting the property (UFC 901.4.4).
9. All storm water runoff generated from the project site shall be directed away from the County right of way and adjacent property.
10. All parking and maneuvering areas and driveways shall be paved with an asphaltic or concrete surface, identified as suitable by the Department of Public works with materials identified as suitable by the Department of Public Works. The area used for storage of the land leveling equipment shall be surfaced with an aggregate base type material, identified as suitable by the Department of Public works.
11. The property owner shall dedicate to the County of Merced, a 30-foot width of road right-of-way (property owner's half of a 60-foot ultimate right-of-way width) along the entire frontage of North Johnson Road measured from the centerline of the existing 50-foot wide, non-accepted road right-of-way. Legal description and exhibit map for the grant deed prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying shall be submitted for review and approval within six months from the date on which this permit was approved. A fully executed grand deed with accompanying approved legal description and exhibit map shall be submitted for recordation within one month after the deed is returned to the property owner for signature.
12. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct rural "agricultural" typed paved driveway approaches at the two existing driveway approaches onto North Johnson Road. The minimum width of the approaches shall be 18 feet while the maximum width shall be 35 feet. All work shall be in accordance to the Merced County Public Works Improvement Standards and Specifications. This work shall be accomplished within six months from approval of this application.
13. The property owner shall install a streetlight at the existing driveway approach on North Johnson Road serving the existing garage. The street light may be mounted on the existing wood service pole. It shall be operational during all non-daylight hours. The cost for operating and

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – March 23, 2005**

**Page 5**

maintaining the street light shall be paid by the property owners, not the County. This work shall be accomplished within six months from the date of the approval of this application.

14. For the purpose of condition monitoring, an initial inspection fee in the amount of **\$204.00** shall be paid within 10 days of the Planning Commission approval date. Should additional inspections be required, the applicant shall pay the inspection fee at the hourly rate in effect at the time of the inspection.

- C. MINOR SUBDIVISION APPLICATION No. 04056 - Balbir Samra and Rajvinder Khakh -** To divide a 40 acre parcel into two parcels; Parcel No. 1 = 20 acres and Parcel No. 2 = 20 acres. The property is located on the north side of Bradbury Road and 665 feet east of Sycamore Street in the Delhi area on land designated Agricultural Land use in the General Plan and is zoned A-1 (General Agriculture). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

**This item has been continued to the April 13, 2005 meeting at the request of the applicant.**

- D. MINOR SUBDIVISION APPLICATION No. 05009 – Michael Coelho -** To divide 80.66 acres into four parcels resulting in three 20 acre parcels and one 20.66 acre parcel. The project is located on the east side of Van Clief Road, ½ mile south of Westside Boulevard in the Stevenson area. The project site is designated as Agricultural in the General Plan and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

Planner Dave Gilbert presented the Staff Report and Recommendation dated March 23, 2005.

The public hearing opened at 9:35 a.m.

Larry Bowers, B.C.A, stated that the irrigation has been upgraded and the reasoning for this minor subdivision is for family planning and financial purposes.

Commissioner Tanner asked how the irrigation system is set up.

Mike Coelho, applicant, stated that the pipeline goes east to west to the center of the property.

Commissioner Bettencourt asked if there is a road along the back part of the property. Mr. Coelho replied that there is a dirt road consisting of sandy soils.

The public hearing closed at 9:37 a.m.

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 3 - 1, NAY BY COMMISSIONER BETTENCOURT, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05009, FROM CEQA.**

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 3 - 1, NAY BY COMMISSIONER BETTENCOURT, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 23, 2005, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR**

**SUBDIVISION APPLICATION No. 05009 SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.
3. To complete the property owner's half of a 60-foot ultimate right-of-way width; the property owner shall dedicate to the County of Merced, annotated on the parcel map, an additional 5-foot width of road right-of-way along the entire frontage of Van Clief Road.
4. The applicant shall not discharge any drainage water from the property into MID facilities.
5. That MID irrigation water delivery shall be ensured to all parcels and an irrigation easement shall be provided from the existing irrigation delivery gate currently serving the whole property if there is not an irrigation delivery located within each new parcel.

- E. MAJOR SUBDIVISION APPLICATION No. 97006 – Fox Hills Management Group, LLC –** To review the Development Agreement produced by Fox Hills Management Group that will implement the conditions of approval and mitigation measures required for Fox Hills through the Specific Plan, Environmental Impact Report and Major Subdivision review and approval processes. **TO RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION, DISAPPROVAL OR MODIFICATION OF THE DEVELOPMENT AGREEMENT. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated March 23, 2005.

The public hearing opened at 9:54 a.m.

Gregory Bock with Fox Hills indicated to the Commission that he is available to answer any questions.

The public hearing closed at 9:55 a.m.

Ruben Castillo, County Counsel, questioned the seven year old CEQA negative declaration for this application. Planner James Holland replied that there have been no changes in environmental or land use conditions to indicate the existing negative declaration was invalid.



**MERCED COUNTY PLANNING COMMISSION**

**Minutes – March 23, 2005**

**Page 7**

**MOTION: M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 3 – 0, WITH CHAIRMAN SLOAN ABSTAINING HIS VOTE, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. 97006.**

**MOTION: M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 3-0, WITH CHAIRMAN SLOAN ABSTAINING HIS VOTE, THE PLANNING COMMISSION RECOMMENDS TO THE BOARD OF SUPERVISORS TO ADOPT THE DEVELOPMENT AGREEMENT PREPARED FOR MAJOR SUBDIVISION APPLICATION NO. 97006 FOR FOX HILLS MANAGEMENT GROUP, LLC.**

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

There will be a General Plan Steering Committee meeting at 1pm today in Room 301.

Planning Director William Nicholson discussed the Animal Confinement Ordinance.

Commissioner Gloria Bettencourt had concerns regarding the “Right-to-farm” certificates.

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:20 a.m.